

Sep 14, 2006

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Anthony Simmons
Jianmin Chen

Serial No.: 10/565,415

Filed: January 23, 2006

For: COMPOSITIONS AND METHODS FOR
HERPES SIMPLEX PROPHYLAXIS AND
TREATMENT

Group Art Unit: Unknown

Examiner: Unknown

Atty. Dkt. No.: UTSG:263US

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NUMBER	EV 603374175 US
DATE OF DEPOSIT	September 14, 2006

AFFIDAVIT UNDER 37 C.F.R. §§ 1.47

I, Collin Evans, hereby declare as follows:

1. I am a Patent Prosecution Assistant at Fulbright & Jaworski.
2. I sent Jianmin Chen a letter, via certified mail, dated June 14, 2006. The letter was signed by Gina N. Shishima, the attorney prosecuting this application, and requested Jianmin Chen sign and return an Inventor's Declaration enclosed with the letter. The letter was sent to the last known address of Jianmin Chen (U.T. MEDICAL BRANCH AT GALVESTON, Virology – Department of Pediatrics, 301 University Blvd. MS 372, Galveston, Texas 77555). A copy of this letter (Exhibit A) is enclosed.
3. This letter was returned to the sender with an indication that Jianmin Chen was no longer at that address and no forwarding address was available (Exhibit B).

4. I conducted an internet search for Jianmin Chen. I was not able to determine Jianmin Chen's current address as a result of this internet search. Thousands of hits were produced from this search, and I did not identify any relevant hits (Exhibit C—first page of search hits attached).

5. I hereby declare that all statements made of my own knowledge are true and all statements made on information are believed to be true and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.



Collin Evans

Date: September 14, 2006

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Anthony Simmons
Jianmin Chen

Serial No.: 10/565,415

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PETITION UNDER 37 C.F.R. § 1.47(a)

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Alexandria, VA 22313-1450

Sir:

Applicants hereby petition under 37 C.F.R. § 1.47(a) to prosecute the above-identified application for patent without the consent of one of the inventors. The applicant and the undersigned have been unable to locate one of the inventors, Jianmin Chen. The Affidavit of Collin Evans sets forth evidence of the attempts made to reach this inventor.

The last known address of Jianmin Chen, Ph.D., is:

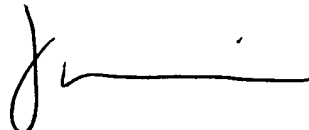
Jianmin Chen, Ph.D.
U.T. MEDICAL BRANCH AT GALVESTON
Virology – Department of Pediatrics
301 University Blvd. MS 372
Galveston, Texas 77555

Pursuant to 37 C.F.R. § 1.17(I), a check in the amount of \$200.00 is enclosed, which is the process fee for this Petition.

If the check is inadvertently omitted, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an overpayment be included herein, the Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski L.L.P. Deposit Account No. 50-1212/ UTSG:263US.

Please date stamp and return the enclosed postcard evidencing receipt of these materials.

Respectfully submitted,



Gina N. Shishima
Reg. No. 45,104
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701
(512) 474-5201
(512) 536-4598 (facsimile)

Date: September 14, 2006

09/20/2006 GFREY1 00000100 10565415

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EXHIBIT A

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WWW.FULBRIGHT.COM

GSHISHIMA@FULBRIGHT.COM
DIRECT DIAL: (512) 536-3081

TELEPHONE: (512) 474-5201
FACSIMILE: (512) 536-4598

June 14, 2006

VIA CERTIFIED MAIL
7160 3901 9844 8568 6649

Jianmin Chen, Ph.D.
U.T. MEDICAL BRANCH AT GALVESTON
Virology – Department of Pediatrics
301 University Blvd., MS 372
Galveston, Texas 77555

RE: *U.S. Patent Application No. 10/565,415 entitled "COMPOSITIONS AND METHODS FOR HERPES SIMPLEX PROPHYLAXIS AND TREATMENT" by Anthony Simmons and Jianmin Chen*
Our reference: UTSG:263US
ACTION: SIGN AND RETURN

Dear Dr. Chen:

We have received from the U.S. Patent and Trademark Office a postcard indicating that the application identified above was received in the Patent Office on **January 23, 2006** and accorded tentative Serial No. **10/565,415**.

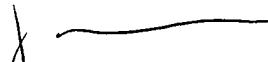
We have now received the Notice to File Missing Parts of Nonprovisional Application for the above-referenced U.S. patent application, a copy of which is enclosed for your records. The initial due date set by the U.S. Patent Office for return of these documents is April 14, 2006, which may be extended through September 14, 2006 by payment of a gradually increasing extension fee.

Please find enclosed for your signature and return a Declaration and Assignment corresponding to the above-referenced U.S. patent application. Please sign and date the Declaration where indicated. Please provide your residential address and country of citizenship where indicated, and initial and date each of your changes. Please note that if your changes to the document are not initialed and dated, the U.S. Patent Office will render the Declaration invalid. Please also sign and date the Assignment where indicated and have your signature notarized (or witnessed, if so indicated).

Jianmin Chen, Ph.D.
June 14, 2006
Page 2

Thank you for your continued assistance with this matter. If you have any questions or need further information, please do not hesitate to contact us.

Very truly yours,



Gina N. Shishima

GNS/cae
Encl.: as noted

cc: BethLynn Maxwell, Ph.D. (w/o encl.)
James C. Arie, Ph.D., Director (w/encl.)

DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or the below named inventors are the original, first and joint inventors (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **COMPOSITIONS AND METHODS FOR HERPES SIMPLEX PROPHYLAXIS AND TREATMENT**, the Specification of which:

- ☐ is attached hereto.
☒ was filed on **January 23, 2006** as Application Serial No. **10/565,415**.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim priority benefits under Title 35, United States Code, § 119 or 365(b) of any foreign application(s) for patent, United States provisional application(s), or inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent, United States provisional application, or inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:

PRIORITY APPLICATION(S)			Priority Claimed
60/489,984	USA	July 25, 2003	Yes
(Number)	(Country)	(Date Filed)	Yes/No
PCT/US2004/024013	USA	July 26, 2004	Yes
(Number)	(Country)	(Date Filed)	Yes/No

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below or any PCT international application(s) designating the United States listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to

disclose all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56, which become available between the filing date of the prior application and the national or PCT international filing date of this application: none.

(Application Serial No.)	(Filing Date)	(Status)
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(Application Serial No.)	(Filing Date)	(Status)
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I hereby direct that all correspondence and telephone calls be addressed to Gina N. Shishima, Fulbright & Jaworski L.L.P., 600 Congress Avenue, Suite 2400, Austin, Texas 78701, (512) 474-5201.

I HEREBY DECLARE THAT ALL STATEMENTS MADE OF MY OWN KNOWLEDGE ARE TRUE AND THAT ALL STATEMENTS MADE ON INFORMATION AND BELIEF ARE BELIEVED TO BE TRUE; AND FURTHER THAT THESE STATEMENTS WERE MADE WITH THE KNOWLEDGE THAT WILLFUL FALSE STATEMENTS AND THE LIKE SO MADE ARE PUNISHABLE BY FINE OR IMPRISONMENT, OR BOTH, UNDER SECTION 1001 OF TITLE 18 OF THE UNITED STATES CODE AND THAT SUCH WILLFUL FALSE STATEMENTS MAY JEOPARDIZE THE VALIDITY OF THE APPLICATION OR ANY PATENT ISSUED THEREON.

Inventor's Full Name:	Anthony Simmons	
Inventor's Signature:		Date:
Country of Citizenship:	United Kingdom & Australia	
Residence Address: (street, number, city, state, and/or country)	1001 Postoffice Street Galveston, TX 77550	
Post Office Address: (if different from above)		

Inventor's Full Name:	Jianmin Chen	
Inventor's Signature:		Date:
Country of Citizenship:		
Residence Address: (street, number, city, state, and/or country)		
Post Office Address: (if different from above)		

ASSIGNMENT

FOR GOOD AND VALUABLE CONSIDERATION, the receipt, sufficiency and adequacy of which are hereby acknowledged, the undersigned, do hereby:

SELL, ASSIGN AND TRANSFER to BOARD OF REGENTS, THE UNIVERSITY OF TEXAS SYSTEM (the "Assignee"), having a place of business at 201 West 7th Street, Austin, Texas 78701, the entire right, title and interest for the United States and all foreign countries in and to any and all improvements which are disclosed in the application for United States Letters Patent, Serial No. **10/565,415** which has been filed on **January 23, 2006** and is entitled **"COMPOSITIONS AND METHODS FOR HERPES SIMPLEX PROPHYLAXIS AND TREATMENT"**, which is a national phase application under 35 U.S.C. § 371 of international application No. PCT/US2004/024013 filed July 26, 2004, which claims priority to U.S. Provisional Patent Application No. 60/489,984 filed on July 25, 2003, such application and all divisional, continuing, substitute, renewal, reissue and all other applications for patent which have been or shall be filed in the United States and all foreign countries on any of such improvements; all original and reissued patents which have been or shall be issued in the United States and all foreign countries on such improvements; and specifically including the right to file foreign applications under the provisions of any convention or treaty and claim priority based on such application in the United States;

AUTHORIZE AND REQUEST the issuing authority to issue any and all United States and foreign patents granted on such improvements to the Assignee;

WARRANT AND COVENANT that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been or will be made to others by the undersigned, and that the full right to convey the same as herein expressed is possessed by the undersigned;

COVENANT, when requested and at the expense of the Assignee, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all such improvements; execute all rightful oaths, declarations, assignments, powers of attorney and other papers; communicate to the Assignee all facts known to the undersigned relating to such improvements and the history thereof; and generally do everything possible which the Assignee shall consider desirable for vesting title to such improvements in the Assignee, and for securing, maintaining and enforcing proper patent protection for such improvements;

TO BE BINDING on the heirs, assigns, representatives and successors of the undersigned and extend to the successors, assigns and nominees of the Assignee.

Signature: _____ Date: _____
Name: Anthony Simmons

STATE OF _____
COUNTY OF _____

BEFORE ME, the undersigned authority, on this ____ day of _____, 2006 personally appeared Anthony Simmons, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same of his/her own free will for the purposes and consideration therein expressed.

Notary or Consular Officer

[SEAL]

Signature: _____ Date: _____
Name: Jianmin Chen

BEFORE ME, the undersigned authority, on this ____ day of _____, 2006 personally appeared Jianmin Chen, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same of his/her own free will for the purposes and consideration therein expressed.

Witness

FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701

EXHIBIT B

BEST AVAILABLE COPY



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FULBRIGHT & JAWORSKI L.L.P.
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Jianmin Chen, Ph.D.

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Virology - Department of Pediatrics

301 University Blvd., MS 372

Galveston, Texas 77555

10601088/UTSG:263US

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Gina N. Shishima

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Topical microbicide for herpes simplex virus prophylaxis Anthony Simmons, MD, **Ph.D.** and **Jianmin Chen, Ph.D.** Non-Confidential Summary ...
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Brian L. Davis, Ph.D.

Davis, Brian L., **Ph.D.** Abigail Walters; Ari Levine; Azita Tajaddini, D. Eng. Edy Hasrouni ...
S. Solomon Praveen, MS; Susan D'Andrea, **Ph.D.** Yan **Chen**, MS ...
www.lerner.ccf.org/bme/davis/ - 17k - [Cached](#) - [Similar pages](#)

Professional Personnel

Jianmin Chen , Postdoctoral Research Associate. **Ph.D.**, Integrated Textile and Apparel Science, Auburn University, 2004. Testing and characterization of ...
www.aewc.umaine.edu/personnel/professionals.asp - 52k - [Cached](#) - [Similar pages](#)

VITAE

Email: **Jianmin.Chen@umit.maine.edu**. EDUCATION. · **Ph.D.** in Integrated Textile and Apparel Science, Dec. 2004, Auburn University, AL, USA. ...
www.aewc.umaine.edu/personnel/resumes/pers_vchen.htm - 36k - [Cached](#) - [Similar pages](#)

Women Ph.D. Graduates

MARDI C. HASTINGS, **Ph.D.** ME Marine Mammal Program Manager, Office of Naval ...
Advisor: Dr. **Jianmin** Qu, Mechanics of Materials. LISA A. DIXON, **Ph.D.** ME ...
www.me.gatech.edu/me/publicat/brochures/wmnpd.html - 30k - [Cached](#) - [Similar pages](#)

Minority Ph.D. Graduates

Advisor:, Dr. **Jianmin** Qu. Area:, Mechanics of Materials ... Ruijun **Chen**, **Ph.D.** ME.
Advisor:, Dr. Daniel Baldwin. Area:, Manufacturing. Mitul Modi, **Ph.D.** ME ...
www.me.gatech.edu/me/publicat/brochures/minpd.html - 52k - [Cached](#) - [Similar pages](#)

Associates

Ph.D. 2002. University of Alberta. Research Officer Computational Video ... Engineer/Team Leader. Telus. Edmonton, Canada. MegaShe. **Jianmin Chen**. M.Sc. 1997 ...
www.ee.cuhk.edu.hk/~qhmeng/associates.htm - 50k - [Cached](#) - [Similar pages](#)

macdonald_research

Marcy E. MacDonald, **Ph.D.** Massachusetts General Hospital ... B.Sc., Vladimir Vrbanc, DVM, Jayalakshmi Srinidhi, B.Sc. and **Jianmin Chen**, B.Sc. ...
neuro-oas.mgh.harvard.edu/alzheimers/faculty_and_staff/Researchers/macdonald_research.html - 5k - [Cached](#) - [Similar pages](#)

Jingyu Chen's Profile!

Ph.D. in Chemistry of Natural Product, September, 1992 - June, 1997, ... 1997,16(5):335;
JingYu Chen, **JianMin Chen** and PeiGen Xiao: A research survey on the ...

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Chen, Jianmin (invited speaker), Gowayed, Yasser, " Time dependent response ... **Chen, Jianmin**, Wu Zhao-ping, Hao-jing Yan, "The Fractal Characterization of ...
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Academic Periodical Abstracts of China 1998,4(5); **JianMin Chen**, JingYu **Chen** ... 1997,16 (5):335; JingYu **Chen**, **JianMin Chen** and PeiGen Xiao: A research survey ...
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Wang **Jianmin, Chen, Jianmin** " Appraisal of Castor Bean Processing ... Liu, Shiguang, **Chen Jianmin**, etc. "Analysis of Condensation and Twisting in OE ...
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Chen, Jianmin, etc. "New Fiber", Technical Textiles, Shanghai, **PRChina**. Vol.14, No.4, 1996. 14. **Chen, Jianmin**, etc. "The Development and Application of ...
www.aewc.umaine.edu/personnel/resumes/pers_vchen.htm - 36k - [Cached](#) - [Similar pages](#)

Institute of Mechanics, Chinese Academy of Sciences.patent

The pyrolytic reactors and process of manufacturing ethylene by mixed heating of reverse jets, 01145130.0, 2001.12.30, Yu Hongru, Lin **Jianmin, Chen Hong**, ...
english.imech.ac.cn/query/tables/patent_base/search.asp - 27k - [Cached](#) - [Similar pages](#)

China Guide - Important People

China Guide >> Statesmen and the Government >> Important People ... State Councilors: Zhou Yongkang, Cao Gangchuan, Tang Jiaxuan, Hua **Jianmin, Chen Zhili** ...
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Chen, Jianmin, Wu Zhao-ping, Hao-jing Yan, "The Fractal Characterization of Fabric Wrinkle Image" Journal of **China** Textile University, Vol.16 No.3 Sep.1999, ...
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 61, Xiaowu **Chen**, University of Science and Technology of **China**. 62, Rucheng Hou, University of Science and ... 69, **Jianmin Chen**, Xiamen University ...
faculty.math.tsinghua.edu.cn/~bzhu/algebra_representations/list.xls - [Similar pages](#)

Xinhua - English

State Council Secretary General: Hua **Jianmin**(concurrently). The State Council of the People's Republic of **China**, namely the Central People's Government, ...
news.xinhuanet.com/english/2005-09/02/content_3432828_3.htm - 42k - [Cached](#) - [Similar pages](#)

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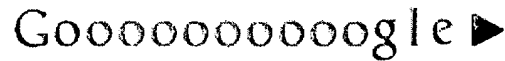
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